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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Josep Vicent MERCADER BADIA et al.

Group Art Unit: 1657

Application No.: 10/551,989

Examiner: L. HOBBS

Filed: October 4, 2005

Docket No.: 125291

For: METHOD FOR DETECTING AND/OR IDENTIFYING BACTERIA PRESENT IN A
SAMPLE

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the May 6, 2008 Office Action, reconsideration of the above-identified application is respectfully requested in light of the following remarks. Claims 1-11 are pending in this application.

Applicants note the Examiner's response to Applicants' traversal of the Restriction Requirement. Applicants will await the outcome of prosecution with regard to independent claim 1 prior to making a decision with regard to independent claims 6 and 7.

Claims 1-5 and 11 are rejected under 35 U.S.C. §103(a) over EP 0-259-116 to Holbrook in view of WO 2000/63668 to Taylor et al. (hereinafter "Taylor") and U.S. Patent No. 5,624,815 to Grant et al. (hereinafter "Grant"). Applicants respectfully traverse the rejection.

Claim 1 calls for method for detecting and/or identifying bacteria present in a liquid or solid sample such that a temperature T1 is applied inside the second container, then a